

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

JOHN A. BROOKS,

Civil Case No. 09-1354-HU

Plaintiff,

O R D E R

v.

BENJAMIN D. VINCI, et al.,

Defendants.

Daniel R. Reitman
1826 NE Broadway
Portland, Oregon 97232

Attorney for Plaintiff

Sara A. Green
3091 S. Jamaica Court., Suite 150
Aurora, Colorado 80014

Attorney for Defendants

KING, Judge:

The Honorable Dennis J. Hubel, United States Magistrate Judge, filed Findings and Recommendation on July 29, 2010. Plaintiff filed timely objections to the Findings and Recommendation.

When either party objects to any portion of a magistrate's Findings and Recommendation concerning a dispositive motion or prisoner petition, the district court must make a de novo determination of that portion of the magistrate's report. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982). This court has, therefore, given de novo review of the rulings of Magistrate Judge Hubel.

This court ADOPTS the Findings and Recommendation of Magistrate Judge Hubel (#27) dated July 29, 2010 in its entirety.

IT IS HEREBY ORDERED that defendants' Motion to Dismiss (#7) is granted and plaintiff's Motion to File a Second Amended Complaint (#15) is denied. This action is dismissed with prejudice.

DATED this 9th day of September, 2010.

/s/ Garr M. King

GARR M. KING
United States District Judge